

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 18, 1966

Appeal No. 8741 Chesapeake South Association, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on May 31, 1966.

EFFECTIVE DATE OF ORDER -- July 20, 1966

ORDERED:

That the appeal for a variance from the provisions of Section 3307.1 to permit groups of apartment buildings as single building and variance from the floor area ratio, lot occupancy and side yard requirements of said paragraph at Southern Avenue and Chesapeake Street, SE., lots 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821 and parcels 238/47, 238/49, 238/51, square 6210, be granted.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-5-A District.
- (2) Appellant proposes to erect 4 garden-type apartment buildings with division walls from the ground up.
- (3) Appellant requests an FAR of .9 instead of .65 prescribed by the Zoning Regulations for this type of structure. It is also desired that a variance be granted to permit 8 foot side yards instead of the required 20 foot side yards.
- (4) Appellant's site has a triangular shape and contains approximately 113,000 square feet of land.
- (5) Appellant's proposed building will occupy 29% of the lot area instead of 25% as prescribed by the Regulations.
- (6) Appellant's proposed buildings will contain 118 two and three bedroom apartment units. Parking will be provided for the apartment units as prescribed for the R-5-A District, that is 118 parking spaces.

(7) Appellant asserts that the topography of the site, fill conditions and an existing storm water sewer easements create a hardship. The storm water easement traverses the site and requires the buildings to be located in areas where there is a maximum of fill and at the perimeter of the site. In addition, the fill conditions require the placement of footings at previous grades and placement of first floor slabs at approximate existing grades in relation to existing street grades and to provide site drainage. This necessitates footings 8 to 10 feet below the first floor slab and at substantial added costs, according to the architect.

(8) No objection to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that the appellant has proved a case of hardship within the meaning of the variance clause of the Zoning Regulations. Such hardship is evidenced by the topographical problems confronted in the area, the water sewer easement, and the irregular shape of appellant's property. In our views, the waiver of the side yard requirements, increase of the FAR to .9, and excess lot occupancy will not result in detriment to the public good, and such relief may be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The erection of this group of apartment buildings will not affect adversely the present character or future development of the neighborhood. The apartment buildings, located in the R-5-A District, will be in harmony with the general purpose and intent of the Zoning Regulations.